

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #7	CCRB Case #: 201802915	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/06/2018 6:32 PM	Location of Incident: [REDACTED]	Precinct: 120	18 Mo. SOL 9/6/2019	EO SOL 9/6/2019	
Date/Time CV Reported Fri, 04/06/2018 12:39 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 04/06/2018 12:39 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Salvatore Mannino	09616	956877	120 PCT
2. POM Geovani Sanchez	23649	946215	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Geovani Sanchez	Abuse: Police Officer Geovani Sanchez questioned § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Salvatore Mannino	Abuse: Police Officer Salvatore Mannino questioned § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Salvatore Mannino	Discourtesy: Police Officer Salvatore Mannino spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
§ 87(2)(i), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On April 6, 2018, § 87(2)(b) filed the following complaint with the CCRB. On March 6, 2018, at approximately 6:32 p.m., § 87(2)(b) was in the lobby of § 87(2)(b) in Staten Island. PO Salvatore Mannino and PO Geovani Sanchez of the 120th Precinct entered the lobby. PO Mannino allegedly said to § 87(2)(b) “Let me search you. Do you have anything?” (Allegation A and B – Abuse of Authority: § 87(2)(f) and, “You want to be a dick?” (Allegation C – Discourtesy: § 87(2)(g) PO Sanchez obtained § 87(2)(b)s identification and checked for warrants. There were no outstanding warrants for § 87(2)(b) § 87(2)(b) was not arrested, issued a summons, frisked or searched.

The investigation obtained cell phone video recorded by § 87(2)(b) and body worn camera video footage from PO Mannino and PO Sanchez.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Geovani Sanchez questioned § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Salvatore Mannino questioned § 87(2)(b)

§ 87(2)(b) has had multiple interactions with police officers from the 120th Precinct. He has frequently recorded video of these incidents and live streamed them to Facebook. § 87(2)(b) broadcasted two such incidents; § 87(2)(b). On March 6, 2018, § 87(2)(b) was in the lobby of § 87(2)(b) on his way to visit his brother who lives in the building when PO Sanchez and PO Mannino from the 120th Precinct walked in. Neither officer had been involved in any of the prior incidents. PO Mannino allegedly said to § 87(2)(b) “You want to record my peoples? Let me search you. You want to be a dick?” § 87(2)(b) believed that the officers were harassing him in retaliation for constantly recording and broadcasting other police officers. PO Mannino asked § 87(2)(b) whether he had been to court that day. § 87(2)(b) took out his phone and began to record video of the officers. The officers asked § 87(2)(b) for his identification and used a departmental cell phone to check for warrants. They returned § 87(2)(b)s identification and § 87(2)(b) left the building (**Board Review 1**).

PO Mannino (**Board Review 2**) and PO Sanchez (**Board Review 3**) both stated that as Anti-crime officers, they are regularly briefed on outstanding warrants in the 120th Precinct, especially those of gang members which they claim § 87(2)(b) was. They both stated that in the days prior to March 6, 2018, they were informed that § 87(2)(b) was wanted on a bench warrant for failure to appear in court. Neither of them could recall which court case the bench warrant was related to. PO Mannino and PO Sanchez stated they both recognized § 87(2)(b) since he is well known to police officers in the precinct and have seen photographs of him. PO Sanchez stated that he has had frequent encounters with § 87(2)(b) in the past including arresting him for warrants. When they saw § 87(2)(b) in the lobby of § 87(2)(b) they approached him to investigate the suspected bench warrant. PO Sanchez asked for § 87(2)(b)s ID and checked for warrants, discovering that § 87(2)(b) had gone to court on March 6, 2018 and thus the bench warrant had been vacated. The officers immediately returned § 87(2)(b)s

identification and he left. PO Sanchez and PO Mannino both denied telling § 87(2)(b) that they wanted to search him and both denied calling § 87(2)(b) a “dick.”

Both PO Sanchez and PO Mannino were wearing body worn cameras and both recorded the incident. § 87(2)(b) also recorded parts of the incident on his cell phone.



201802915_20180425_1128_DM.AVI

**PO Sanchez BWC
(Board Review 10)**



201802915_20180416_2030_DM.MP4

**Cell Phone Video
(Board Review 11)**



201802915_20180425_1127_DM.AVI

**PO Mannino BWC
(Board Review 12)**

In the three videos, no one could be heard calling § 87(2)(b) a “dick” nor could an officer be heard telling § 87(2)(b) “Come here. Let me search you.” In PO Sanchez and PO Mannino’s body worn camera videos, PO Sanchez and PO Mannino are shown following § 87(2)(b) into the lobby of § 87(2)(b). There were approximately 4 seconds of interaction between PO Mannino and § 87(2)(b) prior to the audio activation of the body worn camera. In that time, § 87(2)(b) was looking at PO Mannino and could be seen saying something. As the audio of the body worn camera was activated, the first words recorded were PO Mannino saying to § 87(2)(b) “...and now we’re going to question you.” § 87(2)(b) ignored the officers while looking at his cell phone. PO Mannino asked § 87(2)(b) whether he had gone to court (**0:51 of Board Review 12**). § 87(2)(b) then proceeded to say that he did not have to answer any questions or speak to the officers. PO Sanchez asked § 87(2)(b) for identification repeatedly. § 87(2)(b) refused initially stating that he had identification and asking why he was being asked to provide it. PO Sanchez responded that he did not know whether § 87(2)(b) lived in the building. PO Mannino asked § 87(2)(b) again whether he went to court (**1:44 of Board Review 12**). § 87(2)(b) provided his identification. PO Sanchez used his cell phone to check for warrants. § 87(2)(b) stated that he went to court and PO Mannino told him if that was the case then that would be the end of it. PO Sanchez stated that § 87(2)(b) was “good.” PO Sanchez returned § 87(2)(b)’s identification and § 87(2)(b) walked away. The officers’ body worn cameras ended at that point. § 87(2)(b)’s cell phone recording continued showing back-up officers entering the lobby as § 87(2)(b) was walking out. § 87(2)(b) yelled and cursed at the officers as he exited the building. The officers did not follow him.

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

A police officer may approach a private citizen to request information based upon a founded suspicion that criminality is afoot and not solely based upon whim, caprice or an intent to harass. People v. DeBour, 40 N.Y.2d 210; (1976) (**Board Review 5**).

§ 87(2)(g)

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (C) Discourtesy: Police Officer Salvatore Mannino spoke discourteously to § 87(2)(b)

[REDACTED]

§ 87(2)(b) [REDACTED] alleged that PO Mannino said to him at the beginning of their interaction, “You want to be a dick?” PO Mannino and PO Sanchez both denied the allegation.

None of the three videos showed anyone saying “you want to be a dick?” However, there are approximately 4 seconds of the body worn camera videos in which the police officers have approached § 87(2)(b) [REDACTED] but audio was not recorded. § 87(2)(g) [REDACTED]
[REDACTED]

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]

§ 87(4-b), § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED] has been a party to six other CCRB complaints and has been named as a victim in 30 allegations (**Board Review 6**).

- § 87(2)(b) [REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- PO Sanchez has been a member of service for 10 years and has been a subject in five CCRB complaints and 10 allegations, none of which were substantiated. § 87(2)(g) [REDACTED].
- PO Mannino has been a member of service for three years and has been a subject in three CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g) [REDACTED].

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 3, 2018, the Office of the New York City Comptroller has no record of a Notice of Claim being filed in regards to this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad No.: 7

Investigator:	_____ Signature	Inv. Simon Wang _____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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